

ESTTA Tracking number: **ESTTA633381**

Filing date: **10/16/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	A&E Television Networks, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	235 East 45th Street New York, NY 10017 UNITED STATES		

Attorney information	Monica B. Richman Dentons US LLP P.O. Box #061080 Chicago, IL 60606-1080 UNITED STATES trade- marks.us@dentons.com,ian.farias@dentons.com,monica.richman@dentons.co m,mary.mathew@dentons.com Phone:212-768-5367
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Applicant Information

Application No	86251893	Publication date	09/16/2014
Opposition Filing Date	10/16/2014	Opposition Period Ends	10/16/2014
Applicant	Mallory, Dawn C. PO BOX 40023 Studio City, CA 91614 UNITED STATES		

Goods/Services Affected by Opposition


Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment media production servicesfor motion pictures, television and Internet
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86140140	Application Date	12/10/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FYI,		

Design Mark	
Description of Mark	The mark consists of the stylized letters "FYI" with a stylized comma design to the right of them.
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Audio and video analog and digital recordings, namely, audio and video discs, DVDs and CDs, featuring documentaries, reality television shows, dramas, movies, romances, musicals, concerts, plays, news and topical events, satire and political commentary, historical epics and fiction, action/adventure, miniseries, comedies, horror, mystery, fiction, specials and television series; motion picture films featuring documentaries, dramas, comedies, horror, romances, musicals, action/adventure, historical epics, fiction, mystery and specials; motion picture films prepared for broadcast on television, cable television, digital television or satellite television featuring documentaries, dramas and topics relating to travel, food and wine, cooking, entertainment, home, parenting, music, health, news, fashion, beauty, weddings, shopping, relationships, career, business, money management, technology, environment, real estate, gardening, interior design, leisure, popular culture, history, literature, games and lifestyle; downloadable audio and video files, MP3 files, MP3 recordings, online discussion boards, webcasts and podcasts featuring documentaries, dramas and topics relating to travel, food and wine, cooking, entertainment, home, parenting, music, health, news, fashion, beauty, weddings, shopping, relationships, career, business, money management, technology, environment, real estate, gardening, interior design, leisure, popular culture, history, literature, games and lifestyle; computer game software and video game software; downloadable computer and video game software via a global computer network, mobile platforms, and wireless devices for entertainment purposes; downloadable mobile applications for games</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0</p> <p>Broadcasting services, namely, television broadcasting, video broadcasting, Internet broadcasting, cable television and radio broadcasting, digital broadcasting, satellite broadcasting and audio broadcasting; broadcasting of audio and video programming provided over a global communications network; over-the-air, satellite and cable radio and television transmission services; electronic transmission of data via satellite; electronic transmission of data via global and local computer networks; broadband communications services, namely, satellite, cable television, and wireless network transmission of sounds, images, signals and data; video-on-demand transmission services; wireless communication services, namely, transmission of television programs and motion pictures to mobile</p>

	<p>devices; providing online chat rooms and electronic bulletin boards for the electronic transmission of messages among users in the fields of documentaries, dramas and topics relating to travel, food and wine, cooking, entertainment, home, parenting, music, health, news, fashion, beauty, weddings, shopping, relationships, career, business, money management, technology, environment, real estate, gardening, interior design, leisure, popular culture, history, literature, games and lifestyle</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0</p> <p>Educational and entertainment services in the nature of on-going television programs featuring subjects of general human interest; educational and entertainment services in the nature of multimedia programs featuring subjects of general human interest distributed via various platforms across multiple forms of transmission media; production and distribution of television programs and motion pictures; editing of television programs and motion pictures; television program syndication; television programming; providing on-line databases and links to web sites of other content providers featuring documentaries, dramas and topics relating to travel, food and wine, cooking, entertainment, home, parenting, music, health, news, fashion, beauty, weddings, shopping, relationships, career, business, money management, technology, environment, real estate, gardening, interior design, leisure, popular culture, history, literature, games and lifestyle; providing news and information in the field of entertainment by means of a global computer network; entertainment services, namely, operating real time games for others via the Internet, mobile platforms, and local area computer networks; electronic game services provided by means of the Internet, mobile platforms, and local area computer networks; entertainment services, namely, providing temporary use of non-downloadable interactive games</p>
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Attachments	86140140#TMSN.png(bytes) FYI WOMAN MEDIA - NOO.pdf(986793 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/monica b. richman/
Name	Monica B. Richman
Date	10/16/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application:

Serial No.: 86/251893
Filing Date: April 14, 2014
Applicant: Dawn C. Mallory AKA Mallory Licensing Ventures
Trademark: FYI WOMAN MEDIA & Design
Class: International Class 41
Published: September 16, 2014

A&E Television Networks, LLC.

:

Opposer,

:

v.

:

Opposition No. _____

Dawn C. Mallory AKA Mallory Licensing Ventures

:

Applicant.

:

NOTICE OF OPPOSITION

A&E Television Networks, LLC, a Delaware limited liability company, with an address at 235 East 45th Street, New York, NY 10017, (“Opposer”) believes that it would be damaged by registration of application Serial No. 85/251893 for FYI WOMAN MEDIA & Design (the “Opposed Application”) and hereby opposes that application.

The United States Patent and Trademark Office published the Opposed Application on September 16, 2014. Accordingly, Opposer has timely filed this opposition.

As grounds of opposition, Opposer hereby alleges:

OPPOSER'S NAMES AND MARKS

1. Opposer owns the successful broadcasting network named FYI, for a variety of television and entertainment related services that are distributed via various platforms across multiple forms of transmission media, including the Internet and television. Opposer has offered entertainment related services under the FYI, mark and brand since at least as early as July 2014.

2. Opposer owns common law rights to the FYI, mark and to a valid and subsisting application on the Principal Register of the United States Patent and Trademark Office for its FYI, trademark for goods and services including production and distribution of television programs and motion pictures, editing of television programs and motion pictures, motion picture films prepared for broadcast on television (cable, digital or satellite) featuring documentaries and dramas, and digital recordings, namely, audio and video discs, DVDs and CDs featuring television shows and movies (Serial No. 86/140140) filed on December 10, 2013. See Exhibit A.

3. Opposer has extensively and continuously used and advertised the FYI, mark in connection with entertainment services with such use starting prior to the filing date of the Opposed Application. See Exhibit B for examples of use.

4. By reason of Opposer's extensive use and advertisement of the FYI, mark, the public closely associates the mark with Opposer, and its successful FYI, network and related entertainment services.

5. The FYI, name and mark are an asset of substantial value to Opposer as a symbol of Opposer, its FYI, network, its related entertainment services, and the valuable goodwill associated therewith.

6. On information and belief, Opposer has prior rights to its FYI, mark in the United States based on its FYI, application in connection goods and services including production and distribution of television programs and motion pictures, editing of television programs and motion pictures, motion picture films prepared for broadcast on television, which therefore qualifies Opposer as the senior rights holder in and to a "FYI" mark.

APPLICANTS' INFRINGEMENT AND DILUTION

7. On information and belief, Dawn C. Mallory AKA Mallory Licensing Ventures is a limited liability company organized under the laws of California with an address at PO BOX 40023, Studio City, California ("Applicant").

8. Despite Opposer's senior rights to the FYI, mark, Applicant filed an intent-to-use trademark application, Serial No. 86/251893 with the USPTO on April 14, 2014 to register FYI WOMAN MEDIA & Design for "entertainment media production services for motion pictures, television and Internet" in International Class 41. See Exhibit C. Applicant has not alleged any date of first use in the United States.

9. Upon information and belief, at and prior to the time Applicant filed the Opposed Application, Applicant was aware of Opposer's senior rights to the FYI, mark. In addition, at and prior to the time it filed the Opposed Application, Applicant had constructive notice of Opposer's U.S. trademark application for the FYI, mark pursuant to Section 22 of the Lanham Act.

DAMAGE TO OPPOSER

10. It is likely that Applicant's FYI WOMAN MEDIA & Design designation, when applied to Applicant's services, will cause confusion, or cause mistake, or deceive with Opposer's

senior FYI, mark because the dominant portion of Applicant's FYI WOMAN MEDIA & Design designation is the term "FYI", which is identical to Opposer's mark. Also, the mere addition of the words "woman media" in Applicant's mark is insignificant as it is descriptive of Applicant's entertainment media production services which likely is to focus of "women" related topics and Applicant has entered a disclaimer of "WOMAN MEDIA" apart from the mark as shown in the Opposed Application. Applicant's FYI WOMAN MEDIA & Design designation encompasses Opposer's FYI, mark, and is for use with identically related production services.

11. If Applicant was permitted to use or register the mark, FYI WOMAN MEDIA & Design, for the services specified in the Opposed Application, it would cause damage and injury to Opposer's business reputation and goodwill, and would injure and impair Opposer's senior rights in and to its FYI, mark. The aforesaid confusion, mistake, and deception will generate the erroneous impression that the Applicant's services originate with Opposer or that Applicant's services are authorized, licensed or endorsed by, or are connected or associated in some way with Opposer, its FYI, network, its FYI, mark or Opposer's other products and services in connection with which Opposer has used the FYI, name and mark. Thus, any fault found with Applicant or its services would reflect adversely upon and damage Opposer, its FYI, mark, the FYI, network, and the valuable goodwill associated therewith.

12. If Applicant was granted the registration applied for, it would thereby obtain, at least, the prima facie exclusive right to use FYI WOMAN MEDIA & Design on the services specified in the Opposed Application. Such registration would thus be a source of damage and injury to Opposer and would be inconsistent with Opposer's senior rights in the FYI, mark.

13. For the above reasons, Opposer would be damaged by registration of the Opposed Application and kindly requests that Application Serial No. 86/251893 be denied.

Respectfully submitted,
A&E Television Networks, LLC,

By: /s/ Monica B. Richman/
Monica B. Richman, Esq.
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mary.mathew@dentons.com
trademarks.us@dentons.com

Attorneys for A&E Television Networks, LLC

Dated: October 16, 2014

CERTIFICATE OF SERVICE BY FIRST-CLASS MAIL

I hereby certify that I caused a true and correct copy of the foregoing to be served upon
the Applicant:

Dawn C. Mallory
P.O. Box 40023
Studio City, CA 91614-4023

by placing same in an envelope, properly sealed and addressed, with postage prepaid and
depositing same with the United States Postal Service on this 16th day of October, 2014.

/s/ /mary s. mathew/
Mary S. Mathew

Exhibit A



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fyi,
Word Mark FYI,**Goods and Services**

IC 009. US 021 023 026 036 038. G & S: Audio and video analog and digital recordings, namely, audio and video discs, DVDs and CDs, featuring documentaries, reality television shows, dramas, movies, romances, musicals, concerts, plays, news and topical events, satire and political commentary, historical epics and fiction, action/adventure, miniseries, comedies, horror, mystery, fiction, specials and television series; motion picture films featuring documentaries, dramas, comedies, horror, romances, musicals, action/adventure, historical epics, fiction, mystery and specials; motion picture films prepared for broadcast on television, cable television, digital television or satellite television featuring documentaries, dramas and topics relating to travel, food and wine, cooking, entertainment, home, parenting, music, health, news, fashion, beauty, weddings, shopping, relationships, career, business, money management, technology, environment, real estate, gardening, interior design, leisure, popular culture, history, literature, games and lifestyle; downloadable audio and video files, MP3 files, MP3 recordings, online discussion boards, webcasts and podcasts featuring documentaries, dramas and topics relating to travel, food and wine, cooking, entertainment, home, parenting, music, health, news, fashion, beauty, weddings, shopping, relationships, career, business, money management, technology, environment, real estate, gardening, interior design, leisure, popular culture, history, literature, games and lifestyle; computer game software and video game software; downloadable computer and video game software via a global computer network, mobile platforms, and wireless devices for entertainment purposes; downloadable mobile applications for games

IC 038. US 100 101 104. G & S: Broadcasting services, namely, television broadcasting, video broadcasting, Internet broadcasting, cable television and radio broadcasting, digital broadcasting, satellite broadcasting and audio broadcasting; broadcasting of audio and video programming provided over a global communications network; over-the-air, satellite and cable radio and television transmission services; electronic transmission of data via satellite; electronic transmission of data via global and local computer networks; broadband communications services, namely, satellite, cable

television, and wireless network transmission of sounds, images, signals and data; video-on-demand transmission services; wireless communication services, namely, transmission of television programs and motion pictures to mobile devices; providing online chat rooms and electronic bulletin boards for the electronic transmission of messages among users in the fields of documentaries, dramas and topics relating to travel, food and wine, cooking, entertainment, home, parenting, music, health, news, fashion, beauty, weddings, shopping, relationships, career, business, money management, technology, environment, real estate, gardening, interior design, leisure, popular culture, history, literature, games and lifestyle

IC 041. US 100 101 107. G & S: Educational and entertainment services in the nature of on-going television programs featuring subjects of general human interest; educational and entertainment services in the nature of multimedia programs featuring subjects of general human interest distributed via various platforms across multiple forms of transmission media; production and distribution of television programs and motion pictures; editing of television programs and motion pictures; television program syndication; television programming; providing on-line databases and links to web sites of other content providers featuring documentaries, dramas and topics relating to travel, food and wine, cooking, entertainment, home, parenting, music, health, news, fashion, beauty, weddings, shopping, relationships, career, business, money management, technology, environment, real estate, gardening, interior design, leisure, popular culture, history, literature, games and lifestyle; providing news and information in the field of entertainment by means of a global computer network; entertainment services, namely, operating real time games for others via the Internet, mobile platforms, and local area computer networks; electronic game services provided by means of the Internet, mobile platforms, and local area computer networks; entertainment services, namely, providing temporary use of non-downloadable interactive games

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 86140140

Filing Date December 10, 2013

Current Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) A&E Television Networks, LLC LIMITED LIABILITY COMPANY DELAWARE 235 East 45th Street New York NEW YORK 10017

Attorney of Record Monica B. Richman

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized letters "FYI" with a stylized comma design to the right of them.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Exhibit B



fyi.

For your inspiration, for your imagination or for your innovation, FYI™ embraces an adventurous, personalized and non-prescriptive approach to peoples' taste, space, look, story and more. FYI covers a range of stories and experiences that reflect how people actually live their lives today, not defined by just one passion or interest.

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SEPTEMBER 11

FYI™ PREMIERES NEW CHEF COMPETITION SERIES "MIDNIGHT FEAST" ON THURSDAY, OCTOBER 16 AT 10PM ET

SEPTEMBER 8

FYI TO PREMIERE NEW DOCUSERIES "BEST IN BRIDAL"

AUGUST 7

FYI'S NEW ORIGINAL SERIES 'THE FEED' EXPLORES CURRENT AND CREATIVE FOOD TRENDS SWEEPING

WHOOPI GOLDBERG VING RHAMES KIMBERLY ELISE
MEIGH PHIFER ANIKA NONI ROSE TICHINA ARNOLD

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...there aren't second chances.

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A DOLLAR SHORT

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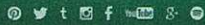
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MORNING

NOON

MIDNIGHT

Thursday OCTOBER 16

11:00AM

Kitchen Nightmares
Anna Vincenzo's

12:00PM

Kitchen Nightmares
Secret Garden

Friday OCTOBER 17

11:00AM

Amazing Wedding Cakes
Renaissance; Quilted; Lavender

12:00PM

Amazing Wedding Cakes
Burgundy, Moroccan Pillow and Po

Saturday OCTOBER 18

10:00AM

Epic Meal Empire
The Feast and the Furious

10:30AM

Epic Meal Empire
Pig Trouble in Little Tokyo

11:00AM

Epic Meal Empire
24 Hour Fatness

Sunday OCTOBER 19

10:30AM

Platinum Weddings
Catherine & Eddie

11:00AM

Platinum Weddings
Daneis & Hector

11:30AM

Platinum Weddings
Sheila & Santosh

12:00PM

Amazing Wedding Cakes
A Tale of Three Cities, Gift Boxes &

Monday OCTOBER 20

11:00AM

Kitchen Nightmares
Finn McCool's

12:00PM

Kitchen Nightmares
Oceana

Wednesday OCTOBER 22

11:00AM

Kitchen Nightmares
Hannah & Mason's

12:00PM

Kitchen Nightmares
PJ's Steakhouse

FYI.tv

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Exhibit C



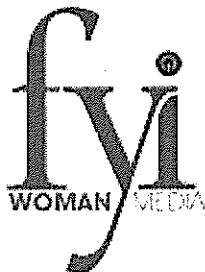
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Word Mark	FYI WOMAN MEDIA
Goods and Services	IC 041. US 100 101 107. G & S: Entertainment media production services for motion pictures, television and Internet
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.03 - Circles, incomplete (more than semi-circles); Incomplete circles (more than semi-circles) 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s) 26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s) 27.03.01 - Geometric figures forming letters, numerals or punctuation
Serial Number	86251893
Filing Date	April 14, 2014
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	September 16, 2014
Owner	(APPLICANT) Mallory, Dawn C. AKA Mallory Licensing Ventures LIMITED LIABILITY COMPANY CALIFORNIA PO BOX 40023 Studio City CALIFORNIA 91614
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WOMAN MEDIA" APART FROM THE MARK AS SHOWN
Description of Mark	The color(s) red, blue, black, and gray is/are claimed as a feature of the mark. The mark consists of the letters "FYI", the words "WOMAN MEDIA" in a stylized design. The letters "FYI" are in red color with the dot over the "i" in black and blue color. The words "WOMAN MEDIA" are in gray color.

Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead
Indicator LIVE

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